

**SUPREME COURT MINUTES
WEDNESDAY, JULY 14, 2004
SAN FRANCISCO, CALIFORNIA**

S040471

PEOPLE v. POLLOCK (MILTON RAY)
Petition for rehearing DENIED.

S106796

E029354 Fourth Appellate District,
Division Two

PEOPLE v. OATES
Petition for rehearing DENIED.

S107355

A096012 First Appellate District,
Division Five

LAMUSGA, MARRIAGE OF
Petition for rehearing DENIED.

Kennard, J., is of the opinion the petition should be granted.

S114285

D038550 Fourth Appellate District,
Division One

PEOPLE v. CASPER
Petition for rehearing DENIED.

Kennard, J., and Werdegarr, J., are of the opinion the petition should be granted.

S125314

E032142 Fourth Appellate District,
Division Two

PEOPLE v. MOORE
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S125677

B166312 Second Appellate District,
Division Four

PEOPLE v. TOWNE
Petition for review granted

In addition to the issue raised in the petition for review, the parties shall address the following issues: (1) Does *Blakely v. Washington* (June 24, 2004) __ U.S. __ [2004 WL 1402697] preclude a trial court from making the required findings on aggravating factors for an upper term sentence? (2) If so, what standard of review applies, and was the error in this case prejudicial.

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S125046

E033920 Fourth Appellate District,
Division Two

POWERS v. RUG BARN

Review granted/briefing deferred (rule 29.1) - civil case

Petition for review is denied.

Review is granted on this court's own motion
(see Cal. Rules of Court, rule 28.2 (c)(2)).

Further action in this matter is deferred pending
consideration and disposition of a related issue
in *Reeves v. Hanlon*, S114811 (see Cal. Rules of
Court, rule 28.2(d)(2)), or pending further order
of the court. Submission of additional briefing,
pursuant to California Rules of Court, rule 29.1,
is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S116388**NOBLE (STEVE) ON H.C.**

OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show
cause, before the Los Angeles County Superior
Court, when the matter is ordered on calendar,
why enhancement of petitioner's sentence by ten
years in Case Number YA043731-01, based on
the superior court's finding that he had been
convicted of two prior serious felonies, is not
unauthorized because the jury did not convict
him in the present matter of a new serious felony
within the meaning of Penal Code sections 667,
subdivision (a)(1) and 1192.7, subdivision (c).
The return shall be filed on or before August 13,
2004.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S124578

E035602 Fourth Appellate District,
Division Two

THOMAS (PAUL ALLEN) ON H.C.

Review granted; transferred to CA 4/2 to issue OSC

The matter is transferred to the Fourth Appellate
District, Division Two. That court is ordered to
vacate its summary denial in E035602 dated
April 12, 2004, and to issue an order to show
cause, returnable before the Riverside County

Superior Court. The Director of Corrections is to be ordered to show cause, when the matter is placed on calendar, why there was “some evidence” to support the finding that petitioner committed a serious rules violation on May 29, 2003. (See, *Superintendent v. Hill* (1985) 472 U.S. 445.) The return shall be filed on or before August 13, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S125100

G031437 Fourth Appellate District,
Division Three

PEOPLE v. MORENO

Petition for review granted; transferred to CA 4/3

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its decision and to reconsider the validity of the enhancement imposed in this case under Penal Code section 667, subdivision (a)(1). (Cal. Rules of Court, rule 29.3(d); see *People v. West* (1984) 154 Cal.App.3d 100, 107-108; *People v. Smith* (2003) 110 Cal.App.4th 1072, 1080, fn. 10.)

Votes: George, C.J., Kennard, Baxter, Werdegar, and Chin, JJ.

S125354

F044541 Fifth Appellate District

SONS v. CA 5 (PEOPLE)

Transferred to CA 5, with directions to issue alt. writ.

The Clerk’s Office is directed to refile the original petition for writ of mandate, entitled Bruce Lynn Sons v. Court of Appeal, Fifth Appellate District, S125354, as a petition for review, entitled Sons v. Superior Court (People, Real Party in Interest).

Petition for review granted.

The matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its opinion and order, dated May 26, 2004, directing issuance of a peremptory writ of mandate to the Kern County Superior Court and thereafter to issue an order to show cause why

the relief sought in the petition should not be granted. (See *People v. Batts* (2003) 30 Cal.4th 660, 694.) Pending further order of the Court of Appeal, the stay of further proceedings in action No. 59195A shall remain in effect.

Baxter, J., was recused and did not participate.
Votes: George, C.J., Kennard, Werdegar,
Moreno, JJ.

S124454

B165435 Second Appellate District,
Division Three

PEOPLE v. PARKS

Petition ordered stricken (case closed)

The clerk is hereby ordered to strike the filing of the petition for review filed by the District Attorney on June 4, 2004.

S114551**STEELE (RAYMOND) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on March 25, 2003, is denied. All claims are denied on the merits. Claim VII is also, separately and independently, procedurally barred as repetitive of a claim raised and rejected on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225.) Claim IX is also, separately and independently, barred because petitioner did not object at trial to admission of any of the convictions. (Evid. Code, § 353; *People v. Hayes* (1999) 21 Cal.4th 1211, 1261.)

Brown, J., would deny the petition solely on the merits.

S124345

B172885 Second Appellate District,
Division Six

CHAVEZ v. WCAB. (DEPT OF MOTOR VEHICLES)

Petition for review denied

S124382

A106124 First Appellate District,
Division One

VARNER (FREDERICK) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

S124435

E033931 Fourth Appellate District,
Division Two

MULLICAN v. CITY OF ONTARIO

Petition for review & publication request denied

S124462

A105475 First Appellate District,
Division Two

WALKER (STEVEN ERIC) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

S124550

A098526 First Appellate District,
Division Two

SAN DIEGO COUNTY WATER AUTHORITY v.
METROPOLITAN WATER DIST. SO. CAL

Petition for review denied

S124565

D042141 Fourth Appellate District,
Division One

WARBURTON/BUTTNER v. FIRST NATION
GAMING LLC

Petitions for review denied

S124579

E035610 Fourth Appellate District,
Division Two

ARMAS (ROSENDO DIAZ) ON H.C.

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S124599

E035725 Fourth Appellate District,
Division Two

CHAUDHRY (AHMID A.) ON H.C.

Petition for review denied

S124694

F044922 Fifth Appellate District

JOHNSON (HERMAN THOMAS) ON H.C.

Petition for review denied

Baxter, J., was recused and did not participate.

S124698

B155736 Second Appellate District,
Division Eight

TAIHEIYO CEMENT CORPORATION v. S.C.
(JEONG)

Petition for review denied

S124707

F041566 Fifth Appellate District

PEOPLE v. SERNA

Petitions for review denied

Baxter, J., was recused and did not participate.

S124766

H025341 Sixth Appellate District

PEOPLE v. WHITE

Petitions for review denied

S124768B163282 Second Appellate District,
Division Eight

PEOPLE v. FUCCI

Petition for review denied

S124769H027057 Sixth Appellate District
H026084

PATHAN (ATIK) ON H.C.

Petition for review denied

S124774A106254 First Appellate District,
Division One

MAPA (ALISI) ON H.C.

Petition for review denied

S124798A102104 First Appellate District,
Division Five

SCHMIDT & GREEN, MARRIAGE OF

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.**S124832**

F042792 Fifth Appellate District

PEOPLE v. SHERRELL

Petition for review denied

S124855B166119 Second Appellate District,
Division One

SINATRA v. KEENAN

Petition for review denied

S124871

C044518 Third Appellate District

PEOPLE v. MCKINNIE

Petition for review denied

S124873

F041188 Fifth Appellate District

PEOPLE v. SAUNDERS

Petition for review denied

S124875

D041448 Fourth Appellate District,
Division One

PEOPLE v. GROSS

Petition for review denied

S124883

H026769 Sixth Appellate District
H025341

WHITE (GIOVANI PIERRE) ON H.C.

Petition for review denied

S124897

E033341 Fourth Appellate District,
Division Two

PEOPLE v. MERCADO

Petition for review denied

S124902

B164931 Second Appellate District,
Division Five

PEOPLE v. MALDONADO

Petition for review denied

S124904

G033620 Fourth Appellate District,
Division Three

PETERSON (GEORGE R.) ON H.C.

Petition for review denied

S124916

D041022 Fourth Appellate District,
Division One

PEOPLE v. FEIGER

Petition for review denied

S124942

H024863 Sixth Appellate District

KATZ, MARRIAGE OF

Petition for review & publication request denied

S124944

A100230 First Appellate District,
Division Two

N. (TONY) IN RE

Petition for review denied

S124951

B162984 Second Appellate District,
Division Two

PEOPLE v. WILSON

Petition for review denied

S124955

D042038 Fourth Appellate District,
Division One

BARRATT AMERICAN v. CITY OF SAN DIEGO

Petition for review denied

S124964

D042019 Fourth Appellate District,
Division One

PEOPLE v. HATFIELD
Petition for review denied

S124975

E035737 Fourth Appellate District,
Division Two

IBARRA (JUAN) ON H.C.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125001

D042051 Fourth Appellate District,
Division One

PEOPLE v. CHACON
Petition for review denied

S125018

B163489 Second Appellate District,
Division Four

PEOPLE v. PONCE
Petition for review denied

S125027

E031578 Fourth Appellate District,
E034050 Division Two

PEOPLE v. ATCHLEY
Petition for review denied

S125032

D044111 Fourth Appellate District,
Division One

FARMERS INSURANCE EXCHANGE v. S.C.
(JOHNSON)
Petition for review denied

S125039

B156754 Second Appellate District,
Division Three

PEOPLE v. NAVARAT
Petition for review denied

S125053

G030560 Fourth Appellate District,
Division Three

PEOPLE v. SANCHEZ
Petition for review denied

S125054

E033279 Fourth Appellate District,
Division Two

PASSY-FONTES v. STATE FARM MUTUAL
AUTOMOBILE INSURANCE CO.
Petition for review denied

S125060

B158169 Second Appellate District,
Division Seven

YELLEN v. SPIVOCK

Petition for review denied

S125065

C043016 Third Appellate District

PEOPLE v. BEARDSLEY

Petition for review denied

S125068

G032073 Fourth Appellate District,
Division Three

PEOPLE v. ANCRUM

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125072

A100817 First Appellate District,
Division Five

PEOPLE v. RAY

Petition for review denied

S125075

A106441 First Appellate District,
Division One

CROSS v. S.C. (AC TRANSIT)

Petition for review denied

S125078

C042117 Third Appellate District

PEOPLE v. IRVING

Petition for review denied

S125104

E034017 Fourth Appellate District,
Division Two

PEOPLE v. CANEZ

Petition for review denied

S125106

E035757 Fourth Appellate District,
Division Two

ROMERO (LORETO) ON H.C.

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125121

B166154 Second Appellate District,
Division Four

PEOPLE v. RICHARDS

Petition for review denied

S125123

A102016 First Appellate District,
Division One

PEOPLE v. FIELDS

Petition for review denied

S125124

B161541 Second Appellate District,
Division Six

PEOPLE v. GREEN

Petition for review denied

S125135

C034461 Third Appellate District

PEOPLE v. DANIEL

Petition for review denied

S125137

H025980 Sixth Appellate District

PEOPLE v. GOMEZ

Petition for review denied

S125141

H026330 Sixth Appellate District

SANTA CRUZ, COUNTY OF v. MCCANN

Petition for review denied

S125142

E032916 Fourth Appellate District,
Division Two

PEOPLE v. ELIAS

Petition for review denied

S125199

C042106 Third Appellate District

PEOPLE v. MCNEAL

Petition for review denied

S125203

A102720 First Appellate District,
Division One

PEOPLE v. MOORE

Petition for review denied

S125204

G032323 Fourth Appellate District,
Division Three

PEOPLE v. ESCARCEGA

Petition for review denied

S125205

B165702 Second Appellate District,
Division Five

JONES v. LANCASTER NEWPORTER FULLER
PROPERTIES

Petition for review and application for stay denied

S125206

E035844 Fourth Appellate District,
Division Two

MARTIN v. S.C. (TZAKIS)

Petition for review denied

S125214

A106072 First Appellate District,
Division Two

TYSON FOODS v. S.C. (COCKRELL)

Petition for review denied

S125219

E035318 Fourth Appellate District,
Division Two

RIHBANY v. S.C. (FLEETWOOD ENTERPRISES)

Petitions for review denied

S125227

H024924 Sixth Appellate District

JACOBS v. LAWLER

Petition for review and application for stay denied

S125229

B172286 Second Appellate District,
Division Three

O. (LISA), IN RE

Petition for review denied

S125231

H025230 Sixth Appellate District

PEOPLE v. PEREZ

Petition for review denied

S125232

C042332 Third Appellate District

PEOPLE v. ANDERSON

Petition for review denied

S125233

B167093 Second Appellate District,
Division Eight

PEOPLE v. JOHNSON

Petition for review denied

S125234

H024432 Sixth Appellate District

PEOPLE v. RAMIREZ

Petition for review denied

S125235

E033099 Fourth Appellate District,
Division Two

PEOPLE v. STEVENS

Petition for review denied

S125238

D042180 Fourth Appellate District,
Division One

ROBERT D. v. PARADISE VALLEY HOSPITAL
Petition for review denied

S125239

E033837 Fourth Appellate District,
Division Two

PEOPLE v. RICHARDSON
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125241

A098680 First Appellate District,
A098985 Division Two

PEOPLE v. DEBOSE
Petition for review denied

S125242

B157182 Second Appellate District,
Division Eight

PEOPLE v. JERRO
Petition for review denied

S125243

B166423 Second Appellate District,
Division One

PEOPLE v. CABRERA
Petition for review denied

S125245

C046648 Third Appellate District

DONAHUE v. S.C. (SHAW)
Petition for review denied

S125254

A103940 First Appellate District,
Division Three

KLEIN v. HUGHES
Petition for review denied

S125256

D044308 Fourth Appellate District,
Division One

BONILLA (MOSES RIVERA) ON H.C.
Petition for review denied

S125257

C043093 Third Appellate District

PEOPLE v. BROWN
Petition for review denied

S125260

B166593 Second Appellate District,
Division Five

P. (RONNY), IN RE
Petition for review denied

S125261

D042626 Fourth Appellate District,
Division One

PEOPLE v. COLES

Petition for review denied

S125262

H025537 Sixth Appellate District

PEOPLE v. ROBERTS

Petition for review denied

S125265

A102607 First Appellate District,
Division Three

PEOPLE v. LIA

Petition for review denied

S125267

B164609 Second Appellate District,
Division Eight

BOBBY D. ASSOCIATES v. MCDONALD

Petition for review denied

S125268

B167559 Second Appellate District,
Division Six

PEOPLE v. CONLEY

Petition for review denied

S125272

E032476 Fourth Appellate District,
Division Two

PEOPLE v. FIELDS

Petition for review denied

S125278

H025921 Sixth Appellate District

PEOPLE v. FARQUHARSON

Petition for review denied

S125279

C042992 Third Appellate District

PEOPLE v. BRYANT

Petition for review denied

S125280

C043524 Third Appellate District

PEOPLE v. KITCHEN

Petition for review denied

S125283

B162365 Second Appellate District,
Division Two

PEOPLE v. GUERRERO

Petition for review denied

S125291

F043495 Fifth Appellate District

R. (ERNEST), IN RE

Petition for review denied

S125306

E035842 Fourth Appellate District,
Division Two

ACEVEDO (JAVIER) ON H.C.
Petition for review denied

S125308

H025505 Sixth Appellate District

PEOPLE v. POST
Petition for review denied

S125315

C041422 Third Appellate District

PEOPLE v. WILSON
Petition for review denied

S125319

A102126 First Appellate District,
Division Four

BROWN, MARRIAGE OF
Petition for review denied

S125321

B172327 Second Appellate District,
Division One

VILLARREAL v. S.C. (GREYHOUND LINES)
Petition for review denied

S125323

A101457 First Appellate District,
Division One

PEOPLE v. GULLETT
Petition for review denied

S125324

F042278 Fifth Appellate District

PEOPLE v. SNOWDEN
Petition for review denied

S125332

B167531 Second Appellate District,
Division Eight

KOREH v. CALIFORNIA HIGHWAY PATROL
Petition for review denied

S125335

B166595 Second Appellate District,
Division Six

GHERINI v. CARLTON
Petition for review denied

S125336

B172743 Second Appellate District,
Division Five

CHIN v. DOLLAR FINANCIAL GROUP
Petition for review denied

S125338 B166497 Second Appellate District, Division One	PEOPLE v. SERRANO Petition for review denied
S125341 A099848 First Appellate District, Division Three	PEOPLE v. MARTIN Petition for review denied
S125342 G031697 Fourth Appellate District, Division Three	PEOPLE v. MARTINEZ Petition for review denied
S125347 G033027 Fourth Appellate District, Division Three	PEOPLE v. ENSWORTH Petition for review denied
S125349 D041762 Fourth Appellate District, Division One	PEOPLE v. HIGHTOWER Petition for review denied
S125350 B168619 Second Appellate District, Division Four	A. (CHRISTIAN), IN RE Petition for review denied
S125352 B165759 Second Appellate District, Division Six	PEOPLE v. JELKS Petition for review denied
S125356 C044738 Third Appellate District	PEOPLE v. LAWRENCE Petition for review denied
S125363 B168562 Second Appellate District, Division One	PEOPLE v. LONG Petition for review denied
S125380 B168568 Second Appellate District, Division Six	PEOPLE v. WARD Petition for review denied

S125381

B167465 Second Appellate District,
Division Two

PEOPLE v. STAMPER

Petition for review denied

S125385

F042265 Fifth Appellate District

PEOPLE v. FOSSELMAN

Petition for review denied

S125386

H027471 Sixth Appellate District

YAMAOKA v. S. C. (PEOPLE)

Petition for review denied

S125387

A101326 First Appellate District,
Division Three

A. (MICHAEL), IN RE

Petition for review denied

S125389

C045097 Third Appellate District

PEOPLE v. SIMENTAL

Petition for review denied

S125390

G031810 Fourth Appellate District,
Division Three

PEOPLE v. WATSON

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125391

D041750 Fourth Appellate District,
Division One

L. (TRAVIS) v. POWAY UNIFIED SCHOOL DIST.

Petition for review denied

S125394

B167960 Second Appellate District,
Division Three

PEOPLE v. MORGAN

Petition for review denied

S125396

B165864 Second Appellate District,
Division Four

PEOPLE v. WALKER (HENRY)

Petition for review denied

S125397

B168272 Second Appellate District,
Division Two

PEOPLE v. WALKER (BRIAN M.)

Petition for review denied

S125398

B164308 Second Appellate District,
Division One

PEOPLE v. PICKENS

Petition for review denied

S125399

G031811 Fourth Appellate District,
Division Three

PEOPLE v. CHANCELLOR

Petition for review denied

S125402

G032214 Fourth Appellate District,
Division Three

PEOPLE v. ALONZO

Petition for review denied

S125403

B166855 Second Appellate District,
Division One

PEOPLE v. HAWKINS

Petition for review denied

S125405

C041868 Third Appellate District

H. (VICTOR), IN RE

Petition for review denied

S125407

B167212 Second Appellate District,
Division One

PEOPLE v. CALIX

Petition for review denied

S125408

C044062 Third Appellate District

PEOPLE v. WHITFIELD

Petition for review denied

S125409

B166717 Second Appellate District,
Division Six

PEOPLE v. MEADORS

Petition for review denied

S125410

A100933 First Appellate District,
Division Five

PEOPLE v. PESE

Petition for review denied

S125413

F042016 Fifth Appellate District

PEOPLE v. BLAINE

Petition for review denied

S125417

B167627 Second Appellate District,
Division Three

H. (STEVE) IN RE

Petition for review denied

S125418

E033681 Fourth Appellate District,
Division Two

PEOPLE v. MAYORGA

Petition for review denied

S125419

G026188 Fourth Appellate District,
Division Three

DINER, MARRIAGE OF

Petition for review denied

S125428

B166577 Second Appellate District,
Division Two

PEOPLE v. CASTILLO

Petition for review denied

S125432

B162277 Second Appellate District,
Division Two

OTERO v. KAISER FOUNDATION HEALTH PLANS

Petition for review denied

Werdegar, J., was recused and did not
participate.

S125434

C046647 Third Appellate District

FRYER v. W.C.A.B.

Petition for review denied

S125439

A102305 First Appellate District,
Division One

PEOPLE v. DIXON

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S125447

F042237 Fifth Appellate District

PEOPLE v. STEVENS

Petition for review denied

S125448

C043463 Third Appellate District

PEOPLE v. MOORE

Petition for review denied

S125449 D042097 Fourth Appellate District, Division One	PEOPLE v. JACKSON Petition for review denied
S125455 C043880 Third Appellate District	SMITH v. STRATTON Petition for review denied
S125457 G032016 Fourth Appellate District, Division Three	PEOPLE v. GONZALEZ Petition for review denied
S125459 H025906 Sixth Appellate District	PEOPLE v. ENGLAND Petition for review denied
S125460 F042158 Fifth Appellate District	PEOPLE v. DEMERY Petition for review denied
S125462 G031964 Fourth Appellate District, Division Three	PEOPLE v. CHUNG Petition for review denied
S125465 F042758 Fifth Appellate District	PEOPLE v. HOLMES Petition for review denied
S125470 F042838 Fifth Appellate District	PEOPLE v. RODRIGUEZ Petition for review denied
S125474 D041565 Fourth Appellate District, Division One	PEOPLE v. MAHDI Petition for review denied
S125476 D042297 Fourth Appellate District, Division One	PEOPLE v. DAVIS Petition for review denied
S125477 B167536 Second Appellate District, Division Five	PEOPLE v. JOHNSON Petition for review denied

S125483

D040425 Fourth Appellate District,
Division One

PEOPLE v. JORDAN

Petition for review denied

S125485

G030799 Fourth Appellate District,
Division Three

PEOPLE v. FLORES

Petition for review denied

S125486

B157907 Second Appellate District,
Division Seven

PEOPLE v. WILLIAMS

Petition for review denied

S125487

B166699 Second Appellate District,
Division Six

LE PARC CASES

Petition for review & publication request denied

S125492

B161574 Second Appellate District,
Division One

PEOPLE v. CLAIR

Petition for review denied

S125517

B167418 Second Appellate District,
Division One

PEOPLE v. DAILEY

Petition for review denied

S125522

B167235 Second Appellate District,
Division Four

PEOPLE v. VASQUEZ

Petition for review denied

S125554

B175288 Second Appellate District,
Division Two

DIAMOND v. S.C. (DEPT OF MOTOR VEHICLES)

Petition for review denied

S125555

H025191 Sixth Appellate District

PEOPLE v. RENELLA

Petition for review denied

S125636

MANRIQUEZ v. CA 2/7 (PEOPLE)

Petition for writ of mandate/prohibition denied

S125970

KLAT v. COURT OF APPEAL, THIRD APP. DIST.
Petition for writ of mandate/prohibition & stay denied

Application for stay and petition for writ of
mandate are denied.

S118154

DIXON (PARIS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re
Robbins* (1998) 18 Cal.4th 770, 780.)

S118158

BURNSIDE (CARL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re
Robbins* (1998) 18 Cal.4th 770, 780.)

S118425

PINEIDA (GABRIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S118570

BRYANT (JASON) ON H.C.
Petition for writ of habeas corpus denied

S119006

TROIANI (LAURA A.) ON H.C.
Petition for writ of habeas corpus denied

S119032

PINA (DANIEL M.) ON H.C.
Petition for writ of habeas corpus denied

S119090

WHITE (EVERETT L.) ON H.C.
Petition for writ of habeas corpus denied

S119192

TYSON (TERENCE D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119289BARBER (JEWELL) ON H.C.
Petition for writ of habeas corpus denied**S119307**ELIZALDI (ANTHONY A.) ON H.C.
Petition for writ of habeas corpus denied**S119356**STINES (ROBERT) ON H.C.
Petition for writ of habeas corpus denied**S119406**OBANDO (RENATO) ON H.C.
Petition for writ of habeas corpus denied**S119446**CHISM (TODD) ON H.C.
Petition for writ of habeas corpus denied**S119517**HODGES (ALBERT L.) ON H.C.
Petition for writ of habeas corpus denied**S119550**NEGRETE (JORGE A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119646CANALES (GILBERT) ON H.C.
Petition for writ of habeas corpus denied**S119649**MCGILL (BRUCE A.) ON H.C.
Petition for writ of habeas corpus denied**S119691**JUAREZ (GILBERTO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S119707

FLORES (MARK A.) ON H.C.
Petition for writ of habeas corpus denied

S119711

GREEN (DONALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)

S119722

HARRIS (MILTON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S119725

KING (LARRY W.) ON H.C.
Petition for writ of habeas corpus denied

S119741

CUNNINGHAM (LAFAYETTE) ON H.C.
Petition for writ of habeas corpus denied

S119746

MONTES (CARLOS) ON H.C.
Petition for writ of habeas corpus denied

S119754

JONES (CRISTAL E.) ON H.C.
Petition for writ of habeas corpus denied

S119757

NGUYEN (CUONG) ON H.C.
Petition for writ of habeas corpus denied

S119758

CAMPBELL (DENNIS B.) ON H.C.
Petition for writ of habeas corpus denied

S119759

NICKOLSON (DASHAWN M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119761

BARKER (CURTIS) ON H.C.
Petition for writ of habeas corpus denied

S119764

BALLARD (SHAWN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)

S119766

DIXON (GREGORY A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Dixon*
(1953) 41 Cal.2d 756; *In re Swain* (1949) 34
Cal.2d 300, 304; *People v. Duvall* (1995) 9
Cal.4th 464, 474; *In re Lindley* (1947) 29
Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d
218.)

S119767

FISCHER (MICHAEL P.) ON H.C.
Petition for writ of habeas corpus denied

S119768

KELLY (RUSSELL J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Dixon*
(1953) 41 Cal.2d 756; *In re Swain* (1949) 34
Cal.2d 300, 304; *People v. Duvall* (1995) 9
Cal.4th 464, 474.)

S119772

SAMUELS (JACK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In*
re Waltreus (1965) 62 Cal.2d 218; *In re Dixon*
(1953) 41 Cal.2d 756.)

S119782

ZAMBUTO (VINCENT) ON H.C.
Petition for writ of habeas corpus denied

S119788

ORTIZ (JOSE L.) ON H.C.
Petition for writ of habeas corpus denied

S119791

DURAN (ROWLAND C.) ON H.C.
Petition for writ of habeas corpus denied

S119818

DUPONT (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Swain*
(1949) 34 Cal.2d 300, 304; *People v. Duvall*
(1995) 9 Cal.4th 464, 474.)

S119854

SHANNON (MYCHAEL) ON H.C.
Petition for writ of habeas corpus denied

S119865

PINA (ANTHONY S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119963

SCOTT (REGINALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S119968

DELGADO (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120016

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

S120628

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S120740

AMOS (DONALD J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120742

MATTHEWS (IVAN) ON H.C.
Petition for writ of habeas corpus denied

(*In re Robbins* (1998) 18 Cal.4th 770, 780)

S120743

SWANK (WAYNE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120744

FOX (CANDACE LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120782

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

S121444

KELLY (RUSSELL JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S121594

SANTANA (DEMECIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S121631

FOSTER (GLENN) ON H.C.
Petition for writ of habeas corpus denied

S121639

LANCASTER (DAVID G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S121641

JOSEPH (ALONZO J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S121642

SALINAS (SAMUEL) ON H.C.
Petition for writ of habeas corpus denied

S122782

NGUYEN (CUONG VAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S123288

CHAMBERS (KEITH A.) ON H.C.
Petition for writ of habeas corpus denied

S123377

LOPEZ (MATIAS) ON H.C.
Petition for writ of habeas corpus denied

S123450

MOHR (RICHARD A.) ON H.C.
Petition for writ of habeas corpus denied

S123494

ICE (PETE JUNIOR) ON H.C.
Petition for writ of habeas corpus denied

S123987

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

S125282SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied**S125576**BORST (BENJAMIN) ON H.C.
Petition for writ of habeas corpus denied**S125607**BARKER (JERRY) ON H.C.
Petition for writ of habeas corpus denied**S125609**FISHER (RAYMOND CARL) ON H.C.
Petition for writ of habeas corpus denied**S125611**NOLLNER (WILLIAM W.) ON H.C.
Petition for writ of habeas corpus denied**S125678**OKEAYA-INNEH (JULIAN) ON H.C.
Petition for writ of habeas corpus denied**S125731**GONYEA (ARTHUR L.) ON H.C.
Petition for writ of habeas corpus denied**S125772**RUSSELL (WESLEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304; *People*
v. Duvall (1995) 9 Cal.4th 464, 474.)

S125941STEWART (CHARLES) ON H.C.
Petition for writ of habeas corpus denied**S125942**PRESTA (VINCENT) ON H.C.
Petition for writ of habeas corpus denied**S125973**HANNAH (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S126008

TAYLOR (ALONZO LEE) ON H.C.
Petition for writ of habeas corpus & stay denied

S126019

CRISS (ROBERT A.) ON H.C.
Petition for writ of habeas corpus denied

S122454

G030880 Fourth Appellate District,
Division Three

WILENS v. TD WATERHOUSE GROUP
Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Officials Reports. See rule 978(c)(2), California Rules of Court.

S124757

A102274 First Appellate District,
Division Four

L. (ISAIAH), IN RE
Publication request denied (case closed)

S125092

B169904 Second Appellate District,
B170697 Division Five

K. (BAYLEIGH), IN RE
Publication request denied (case closed)

S124857

E035758 Fourth Appellate District,
Division Two

FLORATOS v. S.C. (WILSON)
Time extended to grant or deny review
to August 13, 2004.

S124987

B174706 Second Appellate District,
Division Five

MOORE (ALVIN) ON H.C.
Time extended to grant or deny review
to August 20, 2004.

S125097

A106351 First Appellate District,
Division Four

SILLER (JAVERT) ON H.C.
Time extended to grant or deny review
August 23, 2004

S121724

D040475 Fourth Appellate District,
Division One

PEOPLE v. COLE (PEARLE VISION)

Extension of time granted

to August 16, 2004 to file appellant's (The People) answer brief on the merits.

S123684

B162333 Second Appellate District,
Division Six

PEOPLE v. LOPEZ et al.

Counsel appointment orders filed

- (1) Upon request of appellant FRANCISCO GALINDO-for appointment of counsel, Mark Hart is hereby appointed to represent appellant on his appeal now pending in this court.
- (2) Upon request of appellant FRANCISCO LOPEZ for appointment of counsel, Christine Vento is hereby appointed to represent appellant on his appeal now pending in this court.

S123684

B162333 Second Appellate District,
Division Six

PEOPLE v. LOPEZ et al.

Order filed

The order filed on July 7, 2004, appointing Christine Vento as counsel for appellant FERNANDO LOPEZ is amended to read, in its entirety:

"Upon request of appellant FERNANDO LOPEZ for appointment of counsel, John Steinberg is hereby appointed to represent appellant on his appeal now pending in this court."

S020032

PEOPLE v. LEWIS (RAYMOND)

Motion for access to sealed record granted

Good cause appearing, the Application for Release of Confidential Files and Materials, filed on June 23, 2004, is granted. Counsel is granted access to the confidential materials in *People v. Raymond Anthony Lewis* (S020032) and *In re Raymond Anthony Lewis on Habeas Corpus* (S083842). Counsel must supply the personnel and equipment necessary to undertake this review and copying of the records, which must occur on the premises of the court.

S058537**PEOPLE v. COLLINS (SCOTT FORREST)**
Record augmentation denied

Appellant's "Motion to Augment the Record," filed on January 23, 2004, is denied without prejudice to the filing of a request for judicial notice. (Evid. Code, § 452, subd. (d)(1).

S044592**PEOPLE v. HOMICK (STEVEN)**
Order filed

Appellant's "Motion for Modification and/or Reversal of Portions of Trial Court's Orders Regarding Correction of Transcripts on Appeal," filed on May 18, 2004, is granted in part and denied in part.

The motion is granted to the following extent:

The Superior Court of Los Angeles County is directed: (1) to determine whether documents were placed in the superior court files in Los Angeles County Superior Court Case No. A973541 or A779943 regarding any writ proceeding pertaining to appellant's case; (2) to determine whether any such documents have already been made part of the record on appeal; and (3) if they were not included therein, to cause any such documents to become part of an augmented clerk's transcript, prepared, certified, and transmitted as specified in the California Rules of Court.

The Superior Court of Los Angeles County is further directed: (1) to determine (a) whether oral proceedings were conducted, or documents were placed in the superior court file, in Los Angeles County Superior Court Case No. A973541 that have not already been made part of the record on appeal, and if so (b) whether any such oral proceedings were reported and transcribed; (2) in the case of oral proceedings, to receive any transcript of any such proceeding that has been prepared and to cause to be prepared any transcript of any such proceeding that has not been prepared; and (3) to cause any such transcripts and documents to become part of augmented reporter's and clerk's transcripts,

prepared, certified, and transmitted as specified in the California Rules of Court.

The Superior Court of Los Angeles County is further directed: (1) to determine (a) whether oral proceedings were conducted, or documents were placed in the superior court file, in Los Angeles County Superior Court Case No. A779943 that have not already been made part of the record on appeal, and if so (b) whether any such oral proceedings were reported and transcribed; (2) in the case of oral proceedings, to receive any transcript of any such proceeding that has been prepared and to cause to be prepared any transcript of any such proceeding that has not been prepared; and (3) to cause any such transcripts and documents to become part of augmented reporter's and clerk's transcripts, prepared, certified, and transmitted as specified in the California Rules of Court.

The Superior Court of Los Angeles County is further directed: (1) to determine whether any of the four items identified on pages 10–11 of appellant's motion (if they exist) has been included in the record on appeal; and if not (2) to cause any such item to become part of augmented reporter's and clerk's transcripts, prepared, certified, and transmitted as specified in the California Rules of Court.

The Superior Court of Los Angeles County is further directed to perform the foregoing tasks by September 17, 2004.

In all other respects, including appellant's request to order the superior court to prepare a consolidated chronological index to the clerk's transcript, the motion is denied.

S124918

SCHAEFER v. STATE BAR COURT et al.
Order filed

Petition denied.

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

The written motion of the Committee of Bar
Examiners that the following named
applicants, who have fulfilled the
requirements for admission to practice law
in the State of California, be admitted to the
practice of law in this state is hereby
granted, with permission to the applicants to
take the oath before a competent officer at
another time and place:

(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)

